IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Contempt Petition No. 367 of 2005

Shekhar Chandra Joshi
S/o Late Sri D.D. Joshi
R/o Jawahar Lal Nehru,
District Hospital Campus, Rudrapur
District – Udham Singh Nagar ... Petitioner

Versus

1. Sri. S.K. Das, Secretary,
   Medical Health & Family Welfare,
   Uttaranchal, Dehradun
2. Dr. R.C. Arya, Director General
   Medical Health & Family Welfare,
   Uttaranchal, Dehradun
3. Dr. R.S. Tolia,
   Medical Health & Family Welfare,
   Kumaon Division, Nainital
4. Dr. Amar Singh Sone
   Chief Medical Officer
   Udham Singh Nagar
5. Dr. R.K. Pandey,
   District Leprosy Officer
   Udham Singh Nagar ... respondents

Sri Syed Nadim, learned counsel for the petitioner.
Sri Subhash Upadhayaya, learned Standing Counsel for the State

Hon'ble J.C.S. Rawat, J.

This Contempt Petition has been filed under the Contempt of Court's Act to punish the contemnors for not complying the order dated 12.05.2005 passed by this court in Writ Petition No. 555 (S/S) of 2005.

The order dated 12.05.2005 provides as under:-

"Liberty is, therefore, given to the petitioner to make representation to the appropriate higher authority within 15 days after receipt of the

certified copy of this order, who shall decide the same within a month thereafter. The order of transfer shall remain in abeyance for a period of one and a half month only."

Thereafter, the contempt petition was moved before this court on 05.12.2005. Notices were issued to the contemnors. Thereafter the court vide order dated 08.03.2006 passed the following order:-

"Heard learned counsel for the parties.

In the counter affidavit filed by the respondents, it has been stated that representation dated 16.05.2005 has been disposed of by the respondents in compliance of Court's order dated 12.05.2005.

In the rejoinder affidavit, the petitioner has alleged that he had made representation dated 20.05.2005. Learned counsel for the petitioner further submitted that no representation was made on 16.05.2005 and only the certified copy of the order dated 12.05.2005 was made available to authorities concerned to inform that the transfer order is stayed for 1-1/2 month. As to the stay of transfer he made representation only on 20.05.2005.

In the circumstances, respondent No. 2 is directed to file supplementary affidavit as to the fate of representation dated 20.05.2005. The supplementary affidavit may be filed within a period of two weeks.

List this petition after two weeks."

The contemnors had filed the supplementary affidavit of Dr. R.C. Arya and in para 4 and 5 he had stated that the compliance of the High Court's order deciding the representation in pursuance of the court's order has been filed alongwith the supplementary affidavit. This supplementary affidavit reveals that the order has been complied with. It was pointed out that the representation had been decided wrongly. This court cannot go into the merit of the case. This court has only to see as to whether the compliance has been made or not. The representation, as directed by the court, has been disposed of, as such this contempt petition is not maintainable.

The contempt petition devoids of merit and is liable to be dismissed and the same is accordingly dismissed.

(J.C.S. Rawat, J.)

14th July, 2006.

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